

12 Information Bulletin



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Agricultural Activities Within Resource Protection Areas

What agricultural activities do the Regulations allow in Resource Protection Areas? Are ponds used for agricultural purposes allowed in Resource Protection Areas?

Agricultural activities are not allowed by right in the buffer area component of Resource Protection Areas (RPAs). However, certain agricultural activities are allowed in other components of the RPA as long as they comply with all other state, federal, or local programs. Examples include prior converted and/or farmed wetlands where cropping is allowed to continue on nontidal wetlands that were drained and cropped prior to December 23, 1985. On these fields the buffer area is established at the edge of the field closest to the water.

Ponds used for agricultural purposes, as well as other agricultural activities, are not permitted in the buffer area. However, the buffer area can be modified in accordance with § 4.3.B.4 of the Regulations and agricultural activities may be conducted up to the edge of the modified buffer. The Department has also provided guidance that livestock grazing may be allowed in pastured buffer areas, provided that the buffer area performance criteria in § 4.3.B of the Regulations are maintained. Otherwise, any agricultural activity that does not qualify under one of the provisions listed below, including a pond, must receive an exception from the local government before it can be allowed in the unmodified portion of the buffer area.

Regulatory requirements:

- Section 4.3.A of the Regulations prohibits development activities other than water-dependent facilities or redevelopment from occurring in the RPA.
- Section 4.3.B of the Regulations requires a 100-foot buffer area of vegetation effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff to be retained if present and established where it does not exist.
- Section 4.3.B.1 of the Regulations allows vegetation to be removed from the buffer area only to provide for certain activities, including access paths, general woodlot management, best management and shoreline stabilization practices.
- Section 4.3.B.4 allows the agricultural buffer area to be reduced to 50 feet if a best management practice approved by the local Soil and Water Conservation District Board is implemented on the adjacent land, and to 25 feet if a Soil and Water Quality Conservation Plan approved by the local Soil and Water Conservation District Board has been implemented on the adjacent land.